

20.07.2023
Serial no.7
Aloke
Ct. No. 30

CRR 1100 of 2019

Habibur Rahaman & Anr.
vs.
The State of West Bengal

Mr. Surajit Basu
Mr. Md. Aktaruzzaman
Mr. Samudra Nil Sarkar
... for the petitioners
Ms. Rita Datta
... for the State

Affidavit-of-service filed be kept with the record.

The present revision has been preferred praying for quashing of Harischandrapur Police Station F.I.R. No. 340/17 dated 20.04.2017 under Sections 77 and 78 of the Trade and Merchandise Mark Act 1958 in reference with G.R. Case No. 724/17 and all other order/orders in connection with the aforesaid proceeding, now pending before the Learned Additional Chief Judicial Magistrate, Chanchal, Malda.

As there is no representation on behalf of the State, Ms. Rita Datta, learned counsel is appointed to represent the State. Let her appointment be regularized.

It is submitted by the learned counsel for the petitioners that the present case is pending before the trial Court has been filed under the Trade and Merchandise Mark Act, 1958. It has been repealed by the Trade Marks Act, 1999 which came into force on 15th September, 2003.

The present F.I.R. has been registered on 20.04.2017. Accordingly, the present case before the trial Court is not maintainable as it is under the repealed Act.

Considering the materials on record the proceeding in Harischandrapur Police Station F.I.R. No. 340/17 dated 20.04.2017 under Sections 77 and 78 of the Trade and Merchandise Mark Act 1958 in reference with G.R. Case No. 724/17 and all other order/orders in connection with the aforesaid proceeding, now pending before the Learned Additional Chief Judicial Magistrate, Chanchal, Malda, is not maintainable and thus quashed.

The revisional application is accordingly disposed of.

All connected applications, if any, stands disposed of.

Interim order, if any, stands vacated.

Let a copy of the order be sent to the learned trial court for compliance and to proceed with the trial in accordance with law.

Learned counsel for the State to inform the status of this case to the concerned authority.

(Shampa Dutt (Paul), J.)